



McANDREWS, HELD & MALLOY  
34TH FLOOR  
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CHICAGO, ILLINOIS 60661

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JUL 19 2006

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## FAX COVER LETTER

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TO:	Office Of Petitions, U.S. PTO	
FROM:	Joe Barich	USER ID:8194
DATE:	July 19, 2006	
FAX NO.:	(571) 273-8300	
CLIENT:	1563	
MATTER:	15047US01	

Number of Pages This Transmission (Including Cover Page): 20

Message:

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 19 2006

In the Application of:

Charles D. Morris, et al.

Application No.: 10/654,413

Filed: 9/3/2003

For: PLAYGROUND FOUNDATION  
FORMED OF A COMPOSITE  
LAYERED SURFACE

Examiner: Monique R. Jackson

Group Art Unit: 1773

Attorney Docket No.: 15047US01

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (FAX  
No. (571) 273-8300) on July 19, 2006.

Joseph M. Barich

Signature

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 CFR 1.181(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Office Of Petitions:

This Petition to withdraw the holding of abandonment is filed in response to a Notice of Abandonment mailed by the PTO on June 30, 2006. This Petition is timely because it is being filed within two months of the mailing date of the Notice of Abandonment. Please enter and consider the following:

Application No. 10/654,413  
Attorney Docket No. 15047US01

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JUL 19 2006

**REMARKS**

In the present application, the PTO mailed an Office Action on October 18, 2005. As further described below, a Response to the Office Action was timely filed with the PTO on December 19, 2005. However, the Response does not appear in the transaction history and consequently a Notice of Abandonment for failure to respond to the Office Action of October 18, 2005 was mailed to the Applicant on June 30, 2006.

Enclosed please find a copy of the Response that was filed with the PTO on December 19, 2005 in response to the Office Action of October 18, 2005. Also included is the PTO's auto-reply facsimile transmission that was received by the Applicant. The auto-reply shows the date stamp of December 19, 2005, identifies that all 15 pages were received by the PTO, and includes a reproduction of the first page of the Response that identifies the Examiner and Attorney Docket Number. Additionally, the Certificate of Facsimile Transmission under 37 CFR 1.8 appears on the first page of the Response.

In compliance with 37 CFR 1.8(b), the Applicant hereby 1) informs the PTO of the previous transmission, 2) supplies the enclosed additional copy of the previously transmitted correspondence, and 3) attests on a personal knowledge basis to the previous timely transmission of the correspondence. Additionally, a copy of the PTO's report confirming transmission is enclosed.

Consequently, a withdrawal of the current holding of abandonment is respectfully requested in the present application.

Application No. 10/654,413  
Attorney Docket No. 15047US01

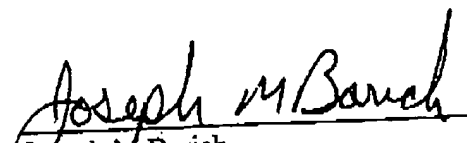
**CONCLUSION**

If the Office of Petitions has any questions or the Applicant can be of any assistance, the Office of Petitions is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: July 19, 2006

  
Joseph M. Barich  
Registration No. 42,291

MCANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, IL 60661

Telephone: (312) 775-8000  
Facsimile: (312) 775-8100

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 3127079155

Fax Information

Date Received:

12/19/2005 10:19:05 PM [Eastern Standard Time]

Total Pages:

15 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====&gt;

FROM: McANDREWS, HELD &amp; MALLOY

(WED) 12.19'05 21:17/ET 11:13/NO. 4861050074 P 1



McANDREWS, HELD & MALLOY  
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TO: Examiner Monique R. Jackson

FROM: Joe Barich USER ID: 8194

DATE: December 19, 2005

FAX NO.: (571) 273-8300

CLIENT: 1563

MATTER: 16047US01

Number of Pages This Transmission (including Cover Page): 15

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PAGE 1/5 \* RCVD AT 12/19/2005 10:19:05 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-476 \* DNIS:2738300 \* CSID:3127079155 \* DURATION (mm-ss):07-34

FROM McANDREWS, HELD, & MALLOY

(WED) 7.19'06 11:15/ST. 11:13/NO. 4861050074 P 6

TRANSMISSION REPORT  
\*\*\*\*\*

(MON) DEC 19 2005 21:19

McANDREWS, HELD, & MALLOY

DOCUMENT #	TIME SENT	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4861050-622	12/19/2005	12/19/2005	2'32"	15	ECM	OK

DESTINATION	DEST TEL #
#02015712738300	#02015712738300



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TO:	Examiner Monique R. Jackson	
FROM:	Joe Barich	USER ID:8194
DATE:	December 19, 2005	
FAX NO.:	(571) 273-8300	
CLIENT:	1563	
MATTER:	15047US01	

Number of Pages This Transmission (Including Cover Page): 15

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).))		Docket Number (Optional) 15047US01
Application Number 10/654,413		Filed September 3, 2003
For A Playground Foundation Formed Of A Composite Layered Surface		
Art Unit 1773		Examiner Monique R. Jackson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 13-0017. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 42,291

☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Joseph M Barich  
Signature

Joseph M. Barich  
Typed or printed name

December 19, 2005  
Date

312-775-8000  
Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

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JUL 19 2006

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.